

Cesare Beccaria:

The Rights of the Accused

Cesare Beccaria was born in Milan, Italy, in 1738. He was a pioneer in the field of criminology. His work stressed the rights of accused people to fair treatment.

The son of an aristocrat, Beccaria attended a Catholic school as a boy. In 1758, he received a degree in law from the University of Pavia. When he finished his studies, he returned to Milan. There he was soon caught up in the intellectual excitement of the Enlightenment.

In 1763, Beccaria began a study of criminal law and the justice system. He was upset by the harsh practices that were common in his day. Torture was often used to get confessions from accused persons or statements from witnesses to a crime. People might have their thumbs crushed in a device called a *thumbscrew*. Or they might have their bodies stretched on a device called a rack until their bones were separated.

Beccaria objected to other practices as well. It wasn't unusual for trials to be held in secret. Judges were often corrupt. People found guilty of crimes were often sentenced to death.

Beccaria attacked these practices in a famous book called *On Crimes and Punishments*. He argued that laws exist to preserve security and order. Punishments, he said, should be designed to serve this purpose. Like other people, criminals made rational decisions. To stop people from committing crimes, punishment did not have to be brutal. It only had to be certain and just severe enough to outweigh the potential benefits of the crime.

Beccaria also argued for other specific rights. A person accused of a crime, he said, should receive a fair and speedy trial. Torture should never be used. In addition, it was wrong to punish some people more harshly than others for the same crime. Punishment, he said, should fit the seriousness of the crime. And capital punishment (putting someone to death) should be done away with completely.

Beccaria's book encouraged the scientific study of crime. His ideas about rights and punishment influenced reform movements throughout Europe. In the United States, many laws concerning crime reflect his ideas.

Questions

1. What practices in the justice system upset Beccaria?
2. In Beccaria's book *On Crimes and Punishment*, he shared his ideas on how criminals should be treated. What were some of Beccaria's main ideas?